

## REMARKS

The Applicant respectfully submits the following remarks in response to the Office Action dated December 14, 2004.

In the Office Action, the Examiner indicated that claim 1 was allowable and that claims 3 through 9 would be allowable if claim 3 was amended to overcome the rejection under 35 U.S.C. § 112.

In the amendments above, claims 1 and 3 have been amended to more clearly recite the invention claimed therein, and claim 3 has been amended to address the rejection under 35 U.S.C. § 112. Accordingly, the Applicant respectfully submits that claims 1 and 3 through 9 are in condition for allowance.

Claim 2 was the only claim rejected based on prior art. In the amendments above, claim 2 has been canceled.

New claims 10 through 21 are added above. Of these, claims 10 and 21 are independent. Claim 10 recites a form-fill-seal machine for making an instant opening containment and dispensing package, comprising at least two opposing continuous film supplies; an aperture means creating station wherein at least one of said film supplies is intermittently indexed through said aperture means creating station; and a flap making station comprising means for folding over a portion of the package to form a flap and pressing the flap against a surface of the package to seal the flap. Claim 21 recites a form-fill-seal machine for making an instant opening containment and dispensing package, comprising support and braking means for at least two opposing continuous film supplies which are intermittently, simultaneously unwound by a controllable motor; a bulge forming

station comprising a pressure bar and a bulge forming die, wherein, in the bulge forming station, at least one of said film supplies is forced into the die, forming a puff or bulge in the film; and a heating and sealing and filling station comprising reciprocating seal dies and a filler nozzle, wherein the reciprocating seal dies come together to create edge seals between at least two of said film supplies, forming a pouch to be filled, and wherein the pouch is filled by dispensing a product through the filler nozzle.

The Applicant respectfully submits that the references of record, either alone or in combination, do not disclose or suggest the subject matter now claimed in claims 10 through 21. Accordingly, the Applicant respectfully submits that, like claims 1 and 3 through 9, claims 10 through 21 are in condition for allowance.


For the foregoing reasons, the Applicant respectfully requests allowance of this application. Should the Examiner have any questions concerning this matter, he is invited to contact Applicant's undersigned attorney at (202) 220-4200. The Office is hereby authorized to charge any additional fees under 37

C.F.R. §1.16 or §1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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